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5 Attorney for Petitioner  
6 NAVNEET GHOTRA

7 **UNITED STATES DISTRICT COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**

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10 **NAVNEET GHOTRA,** ) CASE NO: C07-4428 MMC  
11 Petitioner, )  
12 v. )  
13 **MICHAEL CHERTOFF**, Secretary, )  
Department of Homeland )  
Security, **NANCY ALCANTAR**, Field )  
Office Director, Immigration ) [Alien Registration No.:  
and Customs Enforcement, and ) A77 381 997]  
14 **ALBERTO GONZALES**, Attorney )  
General of the United States, ) Hearing Date: October 12, 2007  
15 Respondent. ) Time: 9:00 a.m.  
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18 Pursuant to Local Rules 6-1 and 6-3, Navneet Ghotra,  
19 petitioner herein, hereby respectfully moves the Judge of the  
20 United States District Court, Northern District of California,  
21 for an order extending the time to reply to Respondent's  
22 Opposition to Petition for Writ of Habeas Corpus from the  
23 current due date of October 1, 2007 to the next business day,  
24 October 2, 2007.

1 Counsel for respondents herein, Edward Olsen, Assistant  
2 United States Attorney, United States Attorney Office, does not  
3 oppose this motion.

4 The reason for this motion is that counsel for petitioner  
5 has been in protracted contested habeas corpus proceedings in  
6 Garcia Garnica v. Chertoff, et. al., United States District  
7 Court, Northern District of California, Case No. C07-4953 SBA  
8 and Garcia Garnica v. Chertoff, et. al., United States Court of  
9 Appeals for the Ninth Circuit, Case No. 07-16737, and Case No.  
10 05-75751, recall of mandate, for the past seven days and has  
11 been unable to complete the reply due to the unanticipated  
12 conflict.

13           Based on the foregoing, it is respectfully requested that  
14 the motion be granted.

15 Dated: October 1, 2007

/s/

**DECLARATION OF COUNSEL**

I, James Todd Bennett, hereby declare that:

21       1. I am an attorney at law, duly licensed to practice law  
22 by the California State Bar.

23 || 2. I am counsel of record for petitioner herein.

1           3. The reply to the Respondent's Opposition to Petition  
2 for Writ of Habeas Corpus is currently due by September 28, 2007  
3 by the court's order pursuant to stipulation by the parties.

4           4. For the past four days, I have been in protracted  
5 contested habeas corpus proceedings in Garcia Garnica v.  
6 Chertoff, et. al., United States District Court, Northern  
7 District of California, Case No. C07-4953 SBA, and before the  
8 United States Court of Appeals for the Ninth Circuit, Case No.  
9 07-16737, followed by a motion to recall mandate and reinstate  
10 proceedings in Case No. 05-75751.

11           5. I am unable to complete the reply herein by October 1,  
12 2007 due to the conflict and request leave to October 2, 2007  
13 within which to respond.

14           6. On October 1, 2007 I conferred with Edward Olsen,  
15 Assistant United States Attorney, United States Attorney Office,  
16 counsel for respondents, and he stated he does not oppose this  
17 motion.

18           7. One prior modification has been requested and granted.

19           8. The requested extension will not modify the hearing  
20 date of October 12, 2007 unless otherwise ordered by the court.

21           9. Based on the foregoing, it is requested that the time  
22 to reply be extended to October 2, 2007.

1 I declare under penalty of perjury that the foregoing is  
2 true and correct and that this declaration was executed on  
3 October 1, 2007 at El Cerrito, California.

4 /s/  
5 JAMES TODD BENNETT

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## PROPOSED ORDER

Upon a showing of good cause:

The time for petitioner to reply to the Respondent's Opposition to Petition for Writ of Habeas Corpus is extended to October 2, 2007.

MAXINE M. CHESNEY  
United States District Judge